



## **2006 Country Reports on Human Rights Practices**

### **GUINEA-BISSAU**

Guinea-Bissau is a multiparty republic with a population of approximately 1.6 million. In July 2005 Joao Bernardo "Nino" Vieira was elected president after defeating the candidate of the ruling African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). The presidential election, which international observers characterized as free and fair, represented another milestone in the country's return to constitutional government. During March and April government forces launched a military campaign to remove a Movement of Democratic Forces of the Casamance (MFDC) faction from the north, which resulted in civilian casualties and the displacement of thousands of families. The country has remained stable since the military action. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, problems occurred in some areas. Poor prison conditions existed. Arbitrary arrest and detention and restrictions on freedom of speech occurred. There were violent dispersals of demonstrations. Lack of judicial independence and official corruption and impunity were problems. There were violence and discrimination against women. Female genital mutilation (FGM) was widespread. Child trafficking and child labor, including some forced labor, were problems.

### **RESPECT FOR HUMAN RIGHTS**

#### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

##### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

No arrests were made in the 2005 attack on the Interior Ministry in which approximately 20 soldiers believed to be loyal to former president Kumba Yala killed two security guards and injured a third.

There were no developments in the 2004 killing of former defense chief General Verissimo Correia Seabra and Colonel Domingos de Barros by military mutineers.

Demining operations continued during the year, and the city of Bissau was declared mine-free. On March 16, a passenger bus hit a rebel-placed landmine on the road between Sao Domingos and Varela, resulting in 12 civilian deaths.

##### **b. Disappearance**

There were no reports of politically motivated disappearances.

##### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, and there were no reports that government officials employed them. The government rarely punished members of the security forces who committed abuses.

Landmines and unexploded ordinance resulted in some injuries.

#### Prison and Detention Center Conditions

Prison conditions remained poor. There were no formal prisons, and the government detained most prisoners in makeshift detention facilities on military bases in Bissau and neighboring cities. Detention facilities generally lacked running water and adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Pretrial detainees were not held separately from convicted prisoners. Juveniles were not held separately from adults.

The government generally permitted independent monitoring of prison conditions by local and international human rights groups. During the year representatives from the International Committee of the Red Cross (ICRC) and the Office of the Representative of the UN Secretary General visited prisoners.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions. Unlike in the previous year, police did not arbitrarily arrest or detain demonstrators; however, security forces detained persons for exercising their right to free speech (see section 2.a.).

#### Role of the Police and Security Apparatus

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies.

The country is divided into 37 police districts; there were an estimated 600 police in the country. Impunity and corruption were rampant, and police generally were ineffective. Transit police were particularly corrupt and demanded bribes from vehicle drivers whether their documents and vehicles were in order or not. Police were poorly and irregularly paid, and there was a severe lack of resources and training. The attorney general was responsible for investigating police abuses, and three investigations were conducted during the year. Two cases involved allegations of theft against the judicial police and the third case involved allegations against members of the military who had confiscated fishing equipment during a dispute. All three cases were pending at year's end.

#### Arrest and Detention

The law requires arrest warrants and provides for the right to counsel, and, if indigent, to counsel provided by the state. Pretrial detainees were allowed prompt access to family members. The law also provides for the right to release if no timely indictment is brought, and the right to a speedy trial. However, authorities did not always respect these rights in practice. There was a functioning bail system.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but, in practice, there was little independence. Judges were poorly trained and paid and sometimes were subject to corruption. The

attorney general had little protection from political pressure since the president has sole authority to appoint or replace the attorney general.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. The Supreme Court is the final court of appeal for both military and civilian cases. The president has the authority to grant pardons and reduce sentences.

#### Trial Procedures

The law provides for the right to a fair trial, and the judiciary generally enforced this right. There is no trial by jury. The law provides for a presumption of innocence, the right to timely access to an attorney, to question witnesses, to have access to evidence held by the government, and the right to appeal. Citizens who cannot afford an attorney have the right to a court-appointed lawyer. Traditional practices still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolved disputes.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The judiciary system handles civil and criminal matters; however, there is no administrative mechanism to address human rights violations.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice; however, on April 21, security forces cut the phone and electricity of Luis Nancassa (see section 2.a.).

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government did not always respect these rights in practice. During the year security forces detained persons for exercising their right to free speech and threatened and harassed journalists. Some journalists practiced self-censorship.

On March 9, Luis Nancassa, president of the Teacher's Union, was detained for four hours after criticizing President Vieira on a radio program.

There also were reports that former defense minister Marcelino Cabral was detained on April 2 and held for one week for criticizing the military over its efforts to remove the MFDC from the north of the country. Armed Forces Chief of Staff Major General Batista Tagme Na Waie claimed Cabral was aiding rebels. Tagme also publicly threatened to arrest Deputy Laberana Djalo for the same reason, but did not do so due to Djalo's parliamentary immunity.

In addition to the government-owned newspaper *No Pintcha*, several private newspapers published without restriction. All newspapers published sporadically during the year due to financial

constraints and dependence on the state-owned printing house. The national printing press often lacked raw materials.

There were several independent radio stations, a national radio station, and a national television station. International radio broadcasts operated without restriction.

There were some reports of harassment of journalists. On June 23, police accused Augusto Queba Barbosa of Radio Pindjiguiti of disseminating false information for reporting police abuse.

During the weekend of March 25-26, three armed soldiers broke into the hotel room of Radio France International correspondent Allen Yoro Embalo and threatened him with military arrest for reporting on the conflict with MFDC rebels.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet including by electronic mail. Lack of infrastructure, equipment, and education severely limited access to the Internet.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government did not always respect this right in practice. Permits were required for all assemblies and demonstrations.

On September 8, violence erupted when police attempted to detain protest leaders, and police used clubs to break up a peaceful demonstration by approximately 400 nurses and other health professionals. The demonstrators were requesting pay raises and the provision of promised benefits.

No action was taken against police who fired into a crowd of demonstrators walking to the National Elections Commission to demand the results of the 2005 presidential election. Three protesters were killed, and a fourth subsequently died of injuries inflicted by the police.

##### Freedom of Association

The constitution and law provide for the right of association, and the government generally respected this right in practice.

#### c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. However, during the year the government continued its 2005 ban on activity by the Islamic religious group Ahmadiyya, contending that some activities, including the group's practice of paying locals to attend services, were disruptive.

Although the government must license religious groups, there were no reports that any applications were refused.

#### Societal Abuses and Discrimination

There were no developments in the February 2005 mob beating of four Ahmadiyya believers or in the attack against police who were trying to control a demonstration outside a courthouse in Gabu.

There was no Jewish community. There were no reports of discrimination against members of religious groups or of acts of anti-Semitism.

For a more detailed discussion, see the *2006 International Religious Freedom Report*.

#### d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and law provide for these rights, and the government generally respected them in practice.

The law did not specifically prohibit forced exile; however, the government did not use it.

#### Internally Displaced Persons (IDPs)

In March and April a military campaign to oust MFDC rebels in the north uprooted approximately 10,000 persons who fled to safe havens in the country or to Senegal. With tribal and family ties on both sides of the poorly marked border, the nationality of the IDPs was not always clear. Once the military campaign ended, most IDPs returned to their homes. The government allowed access to IDPs by domestic and international humanitarian organizations.

The government worked with the World Food Program (WFP), the ICRC, and local nongovernmental organizations (NGOs) to coordinate assistance to IDPs. The government also provided rice after WFP stocks were temporarily depleted.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not grant refugee status or asylum during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported that the government was tolerant of refugees and permitted them to engage in economic activities to support themselves.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right through free and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

In July 2005 Joao Bernardo Vieira, the country's former military ruler, defeated ruling PAIGC candidate Malam Bacai Sanha in a run-off presidential election. The election, which international observers declared free and fair, constituted a major step in the country's return to constitutional government that began with the 2003 removal of former president Kumba Yala, who had ruled by decree and undermined democratic institutions.

In March 2004 legislative elections were held for the 100-seat National Popular Assembly (ANP). Despite the PAIGC plurality of 45 seats, President Vieira replaced Prime Minister Carlos Domingos Gomes Junior in 2005 with Aristides Gomes, who like the president, had been suspended from the PAIGC party. In late January the Supreme Court upheld the constitutionality of the replacement, which the PAIGC had challenged.

There were 14 women in the 100-seat ANP. The Supreme Court president, two of the country's 19 government ministers, and one of nine state secretaries also were women.

All ethnic groups were represented in the government.

#### Government Corruption and Transparency

Official corruption and lack of transparency were endemic at all levels of government. Customs officers frequently accepted bribes for not collecting import taxes, which greatly reduced government revenues.

The law provides that "everyone has the right to information and judicial protection"; however, such access was seldom provided.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The government permitted visits by UN representatives and the ICRC.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of sex and race; however, the government did not enforce these provisions effectively.

#### Women

Domestic violence, including wife beating, was an accepted means of settling domestic disputes. There is no law that prohibits domestic violence, and politicians were reportedly reluctant to address the subject for fear of alienating more traditional voters or particular ethnic groups. Although police intervened in domestic disputes if requested, the government had not undertaken specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

The law prohibits rape, including spousal rape, but government enforcement was limited, in large part because of lack of resources.

Certain ethnic groups, especially the Fulas and the Mandinkas, practiced FGM. The practice has increased as the Muslim population has grown and FGM was performed not only on adolescent

girls, but also on babies as young as four months old. The government has not outlawed the practice; however, a national committee and international and domestic NGOs continued to conduct a nationwide education campaign to discourage FGM.

The law prohibits prostitution, but enforcement was weak.

There is no law prohibiting sexual harassment, and sexual harassment was a problem.

The law treats men and women equally and prohibits discrimination; however, discrimination against women was a problem, particularly in rural areas where traditional and Islamic law were dominant. Women were responsible for most work on subsistence farms and had limited access to education, especially in rural areas. Women did not have equal access to employment. Among certain ethnic groups, women cannot own or manage land or inherit property.

#### Children

The government allocated limited resources for children's welfare and education. Public schooling was universal. However, attendance and quality of education were low due to lack of resources. Teachers were poorly trained and paid, sometimes not receiving salaries for months at a time. For economic reasons, children often were required to help families in the fields which often conflicted with schooling.

FGM was performed commonly on young girls and sometimes even infants (see section 5, Women).

Child marriage occurred among all ethnic groups, but no reliable data existed to quantify the problem. Girls who fled arranged marriages often were forced into prostitution to support themselves. Local NGOs worked to protect the rights of women and children, and operated programs to fight child marriage and to protect the victims of child marriage. Ironically, observers noted during the year that NGO efforts to enroll more girls in school had a negative side effect on child marriages: more girls were forced to marry at a younger age because parents feared the social opportunities of school would increase the risk of their daughters losing their virginity before marriage.

Child trafficking occurred (see section 5, Trafficking).

Child labor was a problem (see section 6.d.).

There were street children in Bissau. The Child Protection Office of the Bissau Police Department estimated that approximately 1,000 children were living on the streets, with a growing number of boys engaged in petty crime and forming gangs.

#### Trafficking in Persons

The law does not prohibit trafficking in persons, and there were reports that children were trafficked from and within the country. Some boys sent from rural areas to attend Koranic schools in neighboring countries, primarily Senegal, were exploited, abused, and forced to beg to meet daily monetary quotas for their Koranic teachers known as *marabouts*. Girls were sometimes exploited as prostitutes; however, the extent of this problem was unknown.

The Ministry of Interior has responsibility for antitrafficking efforts; however, the government had no national plan to combat trafficking or the capability to monitor, interdict, or prosecute traffickers. The government investigated at least two cases of child trafficking during the year, but did not prosecute anyone.

The practice of buying and selling child brides also reportedly occurred on occasion.

There were reports that customs, border guards, immigration officials, labor inspectors, or local police may have been bribed to facilitate such trafficking; however, no specific information was available. Other government officials, including police and border guards, worked closely with the Association of the Friends of Children and the UN Children's Fund to prevent trafficking, raise awareness, and repatriate victims.

#### Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities, nor mandate building access for them, nor provide for equal access to employment and education. However, there were no reports of overt societal discrimination. The government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health, housing, and food needs.

### Section 6 Worker Rights

#### a. The Right of Association

The law provides all civilian workers with the freedom to form and join independent trade unions without previous authorization or excessive requirements, and all workers exercised this right in practice. A significant majority of the population worked in subsistence agriculture; only a small percentage of workers were in the wage sector and organized. Approximately 85 percent of union members were government or parastatal employees, and they primarily belonged to independent unions.

The law does not prohibit antiunion discrimination; however, no workers alleged antiunion discrimination, and the practice was not believed to be widespread.

#### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, but the government did not always protect this right (see section 2.b.).

The law does not provide for or protect the right to bargain collectively; however, the tripartite National Council for Social Consultation conducted collective consultations on salary issues. Most wages were established in bilateral negotiations between workers and employers. There are no export processing zones.

The law provides for the right to strike, and workers exercised this right during the year. The law also prohibits retaliation against strikers. The only legal restriction on strike activity was a prior notice requirement.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred (see sections 5 and 6.d.).

#### d. Prohibition of Child Labor and Minimum Age for Employment



There were no specific laws that protected children from exploitation in the workplace, and child labor occurred. The legal minimum age is 14 years for general factory labor and 18 years for heavy or dangerous labor, including all labor in mines. The small formal sector generally adhered to these minimum age requirements; however, the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

Most child labor occurs in the informal sector. Children in cities often worked in street trading, and those in rural communities did domestic and field work without pay; children generally performed such labor to support families or because of a lack of educational opportunities. Some children were partially or completely withdrawn from school to work in the fields during the annual cashew harvest. The government had not taken action to combat such practices by year's end. The Institute of Women and Children and the Ministries of Labor and Justice are responsible for protecting children from labor exploitation; however, there was no effective enforcement due to lack of a legal structure.

Children were trafficked for purposes of labor exploitation (see section 5, Trafficking).

e. Acceptable Conditions of Work

The Council of Ministers annually establishes minimum wage rates for all categories of work, but it did not enforce them. The lowest monthly wage was approximately \$38 (19,030 CFA) per month plus a bag of rice. This wage did not provide a decent standard of living for a worker and family, and workers had to supplement their incomes through other work, reliance on the extended family, and subsistence agriculture.

The government, which relies heavily on support from international donors for basic budget support, regularly fails to pay public servants in a timely manner, often with delays of several months.

The law provides for a maximum 45-hour workweek, but the government did not enforce this provision. The law also provides for overtime pay, provided that it does not exceed 200 hours per year, and a mandatory 12-hour rest period between workdays.

With the cooperation of the unions, the Ministries of Justice and Labor establish legal health and safety standards for workers, which the ANP then adopts into law; however, these standards were not enforced, and many persons worked under conditions that endangered their health and safety. Workers, including foreign workers, do not have the right to remove themselves from unsafe working conditions without losing their jobs.

\*In June 1998, the U.S. Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau, and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries, especially Senegal, from other independent sources, and regular visits to Guinea-Bissau by U.S. officials assigned to the U.S. Embassy in Dakar. The U.S. Ambassador to Senegal, resident in Dakar, is also accredited to Guinea-Bissau.